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CHANGE OF FACTUAL CIRCUMSTANCES IN THE CONTEXT OF THE ISSUANCE OF JUDICIAL ACTS IN CIVIL CASES

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The subject of the study within the framework of this article are the norms of civil procedural law and arbitration procedural law concerning the issuance of judicial acts in connection with a change in factual circumstances relevant to the case.
The purpose of the study is to identify and classify cases in which the current legislation and law enforcement practice allow the issuance of a new judicial act in connection with a change in the actual circumstances of the case. At the same time, the purpose of the study is related to the confirmation of the hypothesis about the diversity of the bases of such a classification.
Within the framework of this study, the functional method, the system-structural method, the formal-legal method and the hermeneutic method were used. The use of these methods is due to the need to analyze a large volume of legal norms and judicial practice on the subject of the study.
The article analyzes the legal mechanisms, the application of which is associated with the issuance of judicial acts in the framework of civil and arbitration proceedings based on changes in the factual circumstances of the case. The following mechanisms are identified as these mechanisms: the possibility of filing a claim with a new basis, revision of judicial acts under new circumstances, changing the method and procedure for the execution of a court decision, postponement and installment of the execution of a court decision, indexation of the amounts awarded.

Cases of application of these mechanisms are classified according to the procedural order of consideration by the court of changes in circumstances and its consolidation in judicial acts, while the following types are distinguished: cases related to the consolidation of circumstances by making a new court decision on a claim with a new basis; cases related to the consolidation of circumstances by making a court ruling in connection with the emergence of new circumstances; cases related to the consolidation of circumstances by issuing a court ruling in connection with a change in the method and procedure for the execution of a court decision, postponement and installment of the execution of a court decision, indexation of the amounts awarded.
Cases of the use of these mechanisms are also classified by the type of judicial act fixing such changes, while the following types are distinguished: cases related to the consolidation of circumstances by issuing a court decision; cases related to the consolidation of circumstances by issuing a court ruling.
The author concludes that the use of the term "new circumstances" is incorrect in relation to certain grounds for reviewing judicial acts, in connection with which it is proposed to amend the norms of procedural legislation. In relation to these cases, it is proposed to use not the term "new circumstances", but the term "change in the content of legal norms or their interpretation that is relevant to the case".
Based on the above, the purpose of the study has been fully achieved.

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1. Introduction

Social relations have the property of dynamism, which implies the possibility of their change over time. Similarly, natural phenomena, health conditions and other events and conditions, including those of legal significance, are capable of changing.

At the same time, the court, within the framework of its activities, must establish its circumstances relevant to the case, and then, on their basis, make a court decision.

On the one hand, according to the fair remark of V.F. Yakovlev, "justice must end somewhere" [1, p. 239]. However, on the other hand, the activity of courts to consider and resolve cases is impossible without taking into account the dynamics of public relations, the possibility of their change, which often requires the issuance of a new judicial act taking into account the changed circumstances.

2. Legal mechanisms related to the change of factual circumstances in the context of the issuance of judicial acts in civil cases

Several legal mechanisms provided for by procedural legislation are associated with changes in factual circumstances and with the possible reaction of the court to such changes.

We believe that such mechanisms can be divided into two large groups:

1. Related to the final judicial act already issued in the case.

2. Related to the activities of the court in the framework of the case.

The second category is represented in procedural legislation by a large number of examples. In particular, the court of appeal has the right to accept new evidence from the party (Part 1 of Article 327.1 of the Civil Procedure Code of the Russian Federation, Part 2 of Article 268 of the Arbitration Procedure Code of the Russian Federation) if the party proves that it was not able to present them earlier for reasons beyond its control.

At the same time, the first category of legal mechanisms causes significantly greater difficulties, since, by virtue of the res judicata principle, the court's decision is final. For example, according to Part 2 of Article 209 of the Civil Procedure Code of the Russian Federation, after the entry into force of a court decision, the persons participating in the case and their legal successors cannot re-declare the same claims in court, on the same basis, as well as challenge the facts and legal relations established by the court in another civil process.

At the same time, the need to execute the final judicial act and ensure certainty in the legal status of legal entities is conditioned by the inadmissibility of unjustified redistribution of once-defined rights and obligations of participants in a socio-legal conflict by revising a judicial act that has entered into legal force, as well as overcoming it through reconsideration and resolution by another court of once-established and legally qualified circumstances of socio--legal conflict [2, p. 76].

However, the courts cannot ignore the subsequent change in factual circumstances, which often entail a change in the content of legal relations. This means that it is necessary to consider in detail cases when a change in circumstances implies the possibility of changing the content of a court decision or making a new court decision.

3. The possibility of filing a claim with a new basis

When the court decides on the acceptance of the statement of claim, the existence of prerequisites for the right to file a claim is established, including the fact that the same claim was not filed earlier, if a court decision was made on it. Otherwise, the court must refuse to accept the statement of claim (Article 134 of the Civil Procedure Code of the Russian Federation and Article 127.1 of the Arbitration Procedure Code of the Russian Federation).

However, if the actual circumstances change, the basis for filing a claim may change, which will allow the plaintiff to file a new claim.

The establishment of the identity of claims is carried out through the concept of the elements of a claim and the identity of claims developed in the scientific literature and developed in law enforcement practice[1]: claims that have the same subject, basis and subject composition (parties) are identical.

The inability to consider several identical claims is quite obvious and is due to the principle of res judicata: after a court decision is rendered, it is impossible to make another decision on the same dispute. Otherwise, we could be talking about

[1] The decision of the Arbitration Court of the City of Moscow dated 09/23/2022 in case No. A40-323680/19-44- 347B. The document is published on the website of the Federal Arbitration Courts of the Russian Federation. Accessed 27.09.2022. URL: http://www.arbitr.ru.

changing a court decision that has entered into force, which is possible only as a result of its verification by higher authorities or after its revision due to new and newly discovered circumstances.

V.V. Terekhov notes on this issue that the elements of res judicata are objections of two types: with respect to the basis of the claim (cause of action estoppel, claim preclusion) and on the resolved issue (issue estoppel, issue preclusion). The first applies when the parties, the subject and the basis of the claim coincide in the subsequent proceedings and, in fact, concerns the impossibility of re-raising an identical claim between the same parties or their legal successors. The second applies to issues that were part of the basis of the previous claim and acts when one of the parties raises the issue already reflected in the final court decision, despite the fact that the new claim has a different subject and basis [3, pp. 204-205].

Thus, such an element of the claim as its basis is inextricably linked with the change in the factual circumstances of the case. The most common point of view is that the basis of the claim is divided into legal and factual [4, p. 108]. At the same time, the actual basis of the claim is the circumstances of the case, that is, legal facts [5, p. 75].

Speaking about the basis of a claim from the position of the identity of claims, its actual basis is more often considered. In the scientific literature, the basis of the claim is defined as life circumstances and related legal facts that entail the emergence, change or termination of the rights and obligations of the parties and because of the existence of which the plaintiff puts forward his claims to the defendant, which are the subject of the claim [6, pp. 62-63]. A similar position is formulated in judicial practice: the basis of a claim is understood to be those facts that substantiate the claim for the protection of a right or legitimate interest, while the basis of the claim includes only legal facts, that is, facts with which the norms of substantive law associate the emergence, modification or termination of the rights and obligations of the subjects of a disputed substantive legal relationship[2].

Thus, a change in factual circumstances can lead to a change in the basis of a possible claim, which guarantees judicial protection if the specified change in circumstances leads to the emergence of a substantive right subject to judicial protection. Thus, the claimed and considered claims are not identical when the actual basis changes in the continuing material and legal relations due to the emergence of new factual circumstances [7, p. 18].

In connection with the above, it is interesting to consider that changing the basis of the claim is also advisable in the court of appeal, but only as a way to eliminate a judicial error [8, p. 106]. Since the judicial act in the process of its appeal has not yet entered into force, there are no significant obstacles to the possibility of such a change. At the same time, it is necessary to specify what will be the "elimination of a judicial error" in this case, since in the case of the implementation of this proposal, the question of the limits of such a rule will become relevant.

It is important to note that a change in the actual circumstances entailing the possibility of filing a new claim should not be confused with cases when a person chooses a way to protect his right. In the first case, the very circumstances on which the plaintiff's claim can be based change. In the second case, we are talking about choosing a method of protection in relation to the same circumstances – in this context, it is important to correctly formulate the subject of the claim, choose the appropriate method of protecting the right, otherwise the court will refuse to satisfy the requirements. At the same time, such a refusal does not limit the person's ability to apply with other requirements (by choosing the right method of protection).

4. Review of judicial acts under new circumstances

By virtue of Chapter 42 of the Civil Procedure Code of the Russian Federation and Chapter 37 of the Arbitration Procedure Code of the Russian Federation, proceedings for the revision of judicial acts that have entered into force on new or newly discovered circumstances are allowed.

The grounds for such a review presuppose either the identification of pre-existing circumstances, or a change in circumstances that occurred after the court made a decision on the case. The second group of grounds is of the greatest interest in the context of the subject of this article.

New circumstances are circumstances that

[2] The decision of the Arbitration Court of the Moscow Region on the termination of proceedings in the case dated 09/26/2022 in case No. 41-20437/22. The document is published on the website of the Federal Arbitration Courts of the Russian Federation. Accessed 27.09.2022. URL: http://www.arbitr.ru .

arose or changed after the issuance of the judicial act, that is, did not exist at the time of the case.

T.T. Aliyev rightly notes the similarity of the legal mechanism of review under new circumstances with cases when a change in the state entails a new decision (for example, in the case when the same court recognizes a person as incompetent by one of its decisions, and subsequently establishes the person's legal capacity by another decision) [9, p. 87]. In both cases, there is a reaction of the court to a change in the circle of circumstances known to it.

It is important to note that the new circumstances are not homogeneous in nature. Among them , the following types can be distinguished:

1) related to the issuance of judicial acts in another case (cancellation of a court order according to paragraph 1) Part 4 of Article 392 of the Civil Procedure Code of the Russian Federation and paragraph 1) Part 3 of Article 311 of the Arbitration Procedure Code of the Russian Federation, recognition by the court of the transaction invalid by virtue of paragraph 2) Part 4 of Article 392 of the Civil Procedure Code of the Russian Federation and paragraph 2) Part 3 of Article 311 of the Arbitration Procedure Code of the Russian Federation). In this case, the issuance of a judicial act acts as a change in the actual circumstances, that is, their fixation in the ruling on another case, which cannot be ignored by virtue of a prejudice (by such it should be understood that the circumstances of one case established by a judicial act that has entered into legal force for another case under consideration are binding [10, p. 101]);

2) related to the change in approaches to the interpretation of legal norms (the issuance of a ruling of the Constitutional Court of the Russian Federation according to paragraph 3) Part 4 of Article 392 of the Civil Procedure Code of the Russian Federation and paragraph 3) Part 3 of Article 311 of the Arbitration Procedure Code of the Russian Federation, the definition or change in the resolution of the Plenum or the Presidium of the Supreme Court of the Russian Federation of the practice of applying the legal norm by virtue of paragraph 5) Part 4 of Article 392 of the Civil Procedure Code of the Russian Federation and paragraph 5) Part 3 of Article 311 of the Arbitration Procedure Code of the Russian Federation). The change in factual circumstances in this case also consists in the issuance of a judicial act, however, the interpretation of the legal norm, and not the facts established by the court, is significant for the revision of the court decision;

3) related to the amendment of a retroactive law (the establishment or modification by federal law of the grounds for recognizing a building, structure or other structure as an unauthorized construction in accordance with paragraph 6) Part 4 of Article 392 of the Civil Procedure Code of the Russian Federation and paragraph 6) Part 3 of Article 311 of the Arbitration Procedure Code of the Russian Federation).

In the context of the subject matter of this article, the first category of grounds for reviewing the case under new circumstances is of the greatest interest (paragraphs 1) and 2) of Part 4 of Article 392 of the Civil Procedure Code of the Russian Federation, as well as paragraphs 1) and 2) of Part 3 of Article 311 of the Arbitration Procedure Code of the Russian Federation). In these cases, a change in the actual circumstances is associated with the issuance of a new judicial act in another case, which, by virtue of prejudice, allows you to require that these circumstances be taken into account within the framework of an already resolved case. In our opinion, the change of circumstances in this case is partly a legal fiction, since the actual circumstances themselves have not changed, but only their assessment by the court has changed. An exception would be the case of a court declaring a disputed transaction invalid, since, by virtue of the provisions of Article 166 of the Civil Code of the Russian Federation, the fact of the invalidity of such a transaction arises from the moment it is recognized as such by the court.

We also believe that the last two categories are related to changes in legal regulation or mandatory interpretation of legal norms. At the same time, the greatest number of questions are caused by the grounds for reviewing the case under new circumstances related to the formulation of a new interpretation of the legal norm.

According to S.K. Zagainova, although most judicial acts are acts of law enforcement, in some cases the nature of judicial acts cannot be explained only from this position [11, p. 15]. For example, the Supreme Court of the Russian Federation in its rulings forms a legal position on the most controversial issues [12, p. 210]. In general, public authorities seek to clarify the provisions of regulatory legal acts when there are ambiguities, differences and even contradictions [13, p. 20].

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At the same time, the emergence or change in the interpretation of a legal norm as a new circumstance for the revision of a court decision causes discussions in the scientific literature. Thus, T.V. Sakhnova believes that giving retroactive effect to the changed interpretation of the rule of law is unacceptable, since "it undermines the guarantees of the right to judicial protection, stability and certainty of judicial protection" [14, p. 20].

However, with regard to the topic of this article, another problem seems important: the actual circumstances of a particular case that constitute the basis of the claim do not change in any way when these grounds for revision arise. Thus, the recognition by the Constitutional Court of the Russian Federation that the law applied by the court in the case does not comply with the Constitution of the Russian Federation is debatable to refer to "newly discovered circumstances", since the established gap in legal regulation is not actually a "circumstance", i.e. a fact [15, p. 32]. For the same reason, the issue of attributing the fact of the ruling by the Constitutional Court of the Russian Federation to the number of new circumstances is debatable.

On the other hand, the court cannot ignore the practice of the Constitutional Court of the Russian Federation and the Supreme Court of the Russian Federation, as well as changes in legislation that have retroactive effect. Therefore, the very fact of the existence in the procedural legislation of the above-mentioned grounds for the revision of judicial acts seems justified. At the same time, in relation to them, we should not talk about the emergence of new circumstances, but about changing the content of legal norms and their interpretation.

5. Changing the method and procedure for the execution of a court decision. Postponement and installment of execution of a court decision. Indexing of awarded amounts

According to Article 203 of the Civil Procedure Code of the Russian Federation, the court that reviewed the case, according to the statements of the persons participating in the case, the bailiff, based on the property status of the parties or other circumstances, has the right to change the method and procedure for executing the court decision. A similar requirement is contained in Article 324 of the Arbitration Procedure Code of the Russian Federation.

The main problem with the application of this mechanism is to distinguish cases where a change in the method and procedure for the execution of a court decision is possible from cases in which a statement of another claim is required from the person applying with such a petition.

In some cases, the Supreme Court of the Russian Federation has given explanations on this issue. For example, according to paragraph 58 of the resolution of the Plenum of the Supreme Court of the Russian Federation "On the application of legislation by courts when considering cases related to the recovery of alimony", the recovery of alimony for a minor child by a court decision (court order) in proportion to the earnings and (or) other income of the alimony payer does not prevent the recipient of alimony if there are grounds provided by law (art . 83 of the RF IC) to demand the recovery of alimony in a fixed amount of money and (or) simultaneously in shares and in a fixed amount of money. At the same time, this claim is considered by the court in the order of claim proceedings, and not according to the rules provided for in Article 203 of the Civil Procedure Code of the Russian Federation, since in this case the issue of changing the amount of alimony should be resolved, and not about changing the method and procedure for executing a court decision[3].

However, such explanations are not always formulated at the level of the Supreme Court of the Russian Federation. In one of the cases, by the decision of the Blagoveshchensk City Court of the Amur Region, B.A.Y was reinstated in the post of deputy head of the colony. A writ of execution was issued to the plaintiff, and later the enforcement proceedings were terminated in connection with the execution of the requirements of the enforcement document. However, as of 30.05.2018, the decision was executed regarding the cancellation of the dismissal order, although in fact the plaintiff was not reinstated. Moreover, the position in which the plaintiff was reinstated was excluded from the staffing table, the institution itself was liquidated. Therefore, on 24.09.2018, B.A.Y. filed an application to change the procedure and method of execution of the court decision for reinstatement in a position corresponding to the previous one by type of activity, equal in salary and marginal rank in connection with

[3] Resolution of the Plenum of the Supreme Court of the Russian Federation No. 56 dated December 26, 2017 "On the application of legislation by courts when considering cases related to the recovery of alimony" // Bulletin of the Supreme Court of the Russian Federation. 2018. №4.

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the reduction of the deputy position and the liquidation of the institution. The plaintiff was refused to change the order of execution of the decision, since the plaintiff's claims cannot be considered by the court in accordance with art. 203 of the Civil Procedure Code of the Russian Federation, since they are new claims[4].

Obviously, in this case, the plaintiff changed both the subject of the claim and its basis. On the one hand, he stated new requirements, different from the previous ones. At the same time, he justified them with new factual grounds, namely: the fact of the reduction of the position and the fact of the liquidation of the institution.

Another example of the application of these norms can be given. In the resolution of the Presidium of the Supreme Arbitration Court of the Russian Federation No. 17268/08[5], the following was noted. JSC appealed to the court with a demand for recognition of ownership and reclamation of equipment, the claim was satisfied, enforcement proceedings were initiated. The defendants did not execute the judgment, which prompted the recoverer to apply to the court with an application to change the method of execution of the decision in accordance with Article 324 of the Arbitration Procedure Code of the Russian Federation, namely, to recover from the defendant the value of the claimed property. The court granted the application, the appellate and cassation instances confirmed its conclusion. However, when resolving the issue of transferring the case for consideration to the Presidium of the Supreme Arbitration Court of the Russian Federation, the collegium came to a different conclusion, establishing that changing the method and procedure for executing a judicial act carried out at the stage of enforcement proceedings cannot be aimed at changing the content of the essentially rendered judicial act and replacing the consideration and satisfaction of a new claim, but changing the order and in the execution of the decision made by him, the court satisfied the new requirement of the company, without determining the nature of this requirement and the nature of the relationship of the parties, by not applying the rules of substantive law to be applied to these relations, and by not clarifying the factual circumstances that were to be established by the court on the basis of the evidence presented. And yet, the Presidium of the Supreme Arbitration Court of the Russian Federation left the ruling on changing the method of execution in force, pointing out that, since as a result of the enforcement procedures, circumstances were revealed that complicate the execution of the judicial act on the vindication of property (the impossibility of dismantling it without violating the integrity of equipment, the impossibility of taking inventory of property stored in a warehouse), but none of the defendants when considering the merits of the case did not refer to the impossibility of claiming disputed property from him, such a change in the method of execution is permissible.

A change in circumstances is also associated with such a right of the court as postponement or installment of the execution of a judicial act in accordance with the norms of Article 203 of the Civil Procedure Code of the Russian Federation and Article 324 of the Arbitration Procedure Code of the Russian Federation (postponement is a postponement of the deadline for the execution of a decision, installment is the establishment of a period during which the debt is reimbursed in partial payments). After all, the circumstances that arose for the defendant (for example, the deterioration of his property status) did not exist earlier, at the time of the decision, otherwise the court should have taken them into account at the time of the final judicial act in the case. Moreover, according to p. 23 resolutions of the Plenum of the Supreme Court of the Russian Federation "On the application of the norms of the Civil Procedure Code of the Russian Federation in the consideration and resolution of cases in the court of first instance" the limits of the delay (installment) may also be determined by the occurrence of an event (change in the financial situation of the defendant, recovery, etc.)[6].

[4] The decision of the Blagoveshchensk City Court of the Amur Region dated July 09, 2020 in case No. 2-3262/2020. The document is published on the official website of the Blagoveshchensk City Court of the Amur region. URL: https://bsr.sudrf.ru (accessed 27.09.2022).

[5] Resolution of the Presidium of the Supreme Arbitration Court of the Russian Federation dated April 5, 2011 No. 17268/08 in case No. A40-3823/08-91-22 // Bulletin of the Supreme Arbitration Court of the Russian Federation. 2011. № 7.

[6] Resolution of the Plenum of the Supreme Court of the Russian Federation No. 13 dated June 26, 2008 "On the application of the norms of the Civil Procedure Code of the Russian Federation when considering and resolving

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In this case, the content of the court decision also changes in terms of the terms of its execution, which means that we are talking about the possibility of changing the original content of the court decision.

It should be noted that the above is also true with respect to such a legal mechanism as the indexation of the awarded sums of money (Article 208 of the Civil Procedure Code of the Russian Federation, Article 183 of the Arbitration Procedure Code of the Russian Federation).

The indexation of the awarded amounts is compensatory in nature [16, p. 21] and is associated with the need to level the consequences of inflationary processes. At the same time, indexing should not be confused with collecting interest for using someone else's money on the basis of Article 395 of the Civil Code of the Russian Federation, since in this case a new claim must be filed [17, p. 224].

The Law establishes as the only factual basis for such a change the publication of official statistical information on the consumer price index (tariffs) for goods and services in the Russian Federation on the official website of the federal executive authority responsible for the formation of official statistical information on social, economic, demographic, environmental and other social processes in the Russian Federation, in information and telecommunication network "Internet".

The application of the provisions of Article 208 of the Civil Procedure Code of the Russian Federation and Article 183 of the Arbitration Procedure Code of the Russian Federation is associated with a significant number of problems. For example, the scientific literature notes the unresolved issue of whether it is possible to apply to the court for indexing before the execution of a court decision, for example, in case of prolonged non-execution [18, p. 208]. At the same time, the prevailing opinion is that the recoverer can apply to the court with an application for indexation before the execution of the court decision not once, but as much as changes in inflationary processes allow [19, p. 32]. This point of view is fair, since the law does not limit the number of appeals on this issue.

It should also be noted the provision of Part 3 of Article 209 of the Civil Procedure Code of the Russian Federation, according to which, if after the entry into force of a court decision on the basis of which periodic payments are collected from the defendant, the circumstances affecting the determination of the amount of payments or their duration change, each party by filing a new claim has the right to demand changes in the amount and timing of payments.

In this case, it is important to distinguish situations in which the norm of Article 208 of the Civil Procedure Code of the Russian Federation is applied (indexing for an already considered claim) from situations where the norm of Part 3 of Article 209 of the Civil Procedure Code of the Russian Federation (a new claim) should be applied.

We believe that the norm of Article 208 of the Civil Procedure Code of the Russian Federation should be applied only if there is a special reason (a change in the consumer price index (tariffs), information about which is published in accordance with the established procedure). At the same time, the norm of Part 3 of Article 209 of the Civil Procedure Code of the Russian Federation should be applied in all other cases of changes in the circumstances of the case affecting the amount of payments. For example, in one of the decisions of the Pervomaisky District Court of the city of Novosibirsk[7], with reference to paragraph 38 of the resolution of the Plenum of the Supreme Court of the Russian Federation dated 26.01.2020. No. 1 "On the application by courts of civil legislation regulating relations on obligations as a result of harm to the life or health of a citizen" it is noted that in accordance with Part 3 of Article 209 of the Civil Procedure Code of the Russian Federation, the victim, as well as the person charged with the obligation to compensate for harm, has the right to apply for a change in the amount of compensation for harm. At the same time, the grounds for changing the amount of compensation for damage according to Article 1090 of the Civil Code of the Russian Federation are:

a) changing the degree of disability of the victim;

b) a change in the property status of the victim and (or) the causer of harm.

In addition, Article 208 of the Civil Code of the Russian Federation assumes the indexation of any awarded amounts, whereas Part 3 of Article 209 of the Civil Code of the Russian Federation extends its effect

cases in the court of First instance" // Bulletin of the Supreme Court of the Russian Federation. 2008. №10.

[7] The decision of the Pervomaisky District Court of Novosibirsk dated July 30, 2020 in case No. 2-1885/2019. URL: https://bsr.sudrf.ru (accessed 14.10.2022).

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exclusively to cases of collection of periodic payments.

6. Conclusion

It can be concluded that cases of changes in factual circumstances, entailing the possibility of changing the content of a court decision or making a new court decision in civil cases, can be classified on 2 grounds:

1. According to the procedural procedure of consideration by the court and consolidation in judicial acts:

1.1. Fixed by making a new decision on the claim with a new basis.

1.2. Fixed by making a determination in connection with the emergence of new circumstances.

1.3. Fixed by making a ruling in connection with a change in the method and procedure for the execution of a court decision, postponement and installment of the execution of a court decision, indexation of the amounts awarded.

2. By the type of judicial act fixing such changes:

2.1. Fixed in the court decision.

2.2. Fixed in the definition of the court.

It also seems necessary to amend the norms of Chapter 42 of the Civil Procedure Code of the Russian Federation and Chapter 37 of the Arbitration Procedure Code of the Russian Federation in terms of clarifying terminology: with regard to the grounds for reviewing judicial acts provided for in paragraphs 3), 5) and 6) of Part 4 of Article 392 of the Civil Procedure Code of the Russian Federation, as well as in paragraphs 3), 5) and 6) of Part 3 of Article 311 of the Arbitration Procedure Code of the Russian Federation, it is necessary to use not the term "new circumstances", but the term "change in the content of legal norms or their interpretation that is relevant to the case."

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